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CITY AND COUNTY OF SAN FRANCISCO,
KEVIN WORRELL, DAMIEN FAHEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIENNE MACBETH,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; KEVIN WORRELL, individually and in his official capacity as a police officer for the CITY AND COUNTY OF SAN FRANCISCO, DAMIEN FAHEY, individually and in his official capacity as a police officer for the CITY AND COUNTY OF SAN FRANCISCO; and DOES 1-50, individually and in their official capacities.

Defendants.

Case No. C07-3304 MEJ

**REQUEST FOR JUDICIAL NOTICE
FILED IN SUPPORT OF MOTION TO
DISMISS SECOND THROUGH NINTH
CAUSES OF ACTION**

Hearing Date: September 20, 2007
Hearing Judge: Mag. Maria-Elena James
Time: 10:00 a.m.
Place: Courtroom B, 15th Floor

Date Action Filed: June 22, 2007
Trial Date: None Set

- (1) Notice of Motion, Motion, and Memorandum of Points and Authorities ISO Motion to Dismiss Second Through Ninth Causes of Action;
- (2) Declaration of Matthew Rothschild ISO Motion To Dismiss Second Through Ninth Causes of Action

REQUEST FOR JUDICIAL NOTICE

Judicial notice may be taken of the existence and authenticity of the public and quasi public documents, as opposed to the veracity of the contents where those contents are in dispute. *Del Puerto Water Dist. v. U.S. Bureau of Reclamation*, 271 F.Supp.2d 1224, 1234 (E.D.Cal. 2003); see also, *California ex rel. RoNo, LLC v. Altus Finance S.A.*, 344 F.3d 920, 931 (9th Cir. 2003) (“requests for judicial notice are GRANTED to the extent that they are compatible with Fed. Rule Evid. 201 and do not require the acceptance of facts ‘subject to reasonable dispute.’”); *Kent v. Daimlerchrysler Corp.*, 200 F.Supp.2d 1208, 1219 (N.D.Cal. 2002).

Here, defendants request that the Court take judicial notice of the absence of a government claim filed by plaintiff. (*See* Declaration of Matthew Rothschild ¶ 2.) Defendants do not ask the Court to take judicial notice of the veracity of any statement made in such a claim (if it existed), but instead merely that the public record does not exist.

Dated: August 13, 2007

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-/s/- *Ronald P. Flynn*
By: _____
RONALD P. FLYNN

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CITY AND COUNTY OF SAN FRANCISCO
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